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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Shaun Andrew Peterson,

10 Plaintiff,

11 v.

12 David Shinn, et al.,

13 Defendants.
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No. CV-22-00042-PHX-GMS (MTM)

ORDER

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16 Pending before the Court is the Report and Recommendation (“R&R”) of
17 Magistrate Judge Michael T. Morrissey (Doc. 169) regarding Plaintiff’s failure to timely
18 effect service on Defendant J. Olguin.

19 The R&R recommends the Court dismiss Plaintiff’s Third Amended Complaint
20 (Doc. 18) without prejudice as to Defendant J. Olguin under Fed. R. Civ. P. 4(m) and Fed.
21 R. Civ. P. 41(b). The Magistrate Judge advised the parties that they had fourteen days to
22 file objections to the R&R. (R&R at 5 (citing 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6(a)
23 and 72.). No objections were filed.

24 Because the parties did not file objections, the Court need not review any of the
25 Magistrate Judge’s determinations on dispositive matters. See 28 U.S.C. § 636(b)(1); Fed.
26 R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);
27 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any
28 review at all . . . of any issue that is not the subject of an objection.”). The absence of a

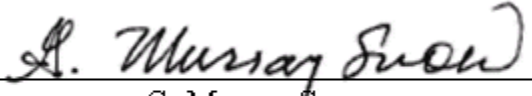
1 timely objection also means that error may not be assigned on appeal to any defect in the
2 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A
3 party may serve and file objections to the order within 14 days after being served with a
4 copy [of the magistrate’s order]. A party may not assign as error a defect in the order not
5 timely objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996);
6 *Phillips v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

7 Notwithstanding the absence of an objection, the Court has reviewed the R&R and
8 finds that it is well taken. The Court will accept the R&R and dismiss Plaintiff’s Third
9 Amended Complaint (Doc. 18) without prejudice as to Defendant J. Olguin **only**. See 28
10 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole
11 or in part, the findings or recommendations made by the magistrate”).

12 **IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge
13 (Doc. 169) is accepted.

14 **IT IS FURTHER ORDERED** that the Clerk of the Court enter judgment
15 dismissing Plaintiff’s Third Amended Complaint (Doc, 18) as to Defendant J. Olguin **only**
16 filed pursuant to 42 U.S.C. § 1983 without prejudice.

17 Dated this 24th day of January, 2024.

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20 G. Murray Snow
21 Chief United States District Judge
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